

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-3, 6-21, 23, 24 and 27-29 are pending in the present application. Claims 1, 2, 6, 8, 11, 14 and 17 have been amended.

In the outstanding Office Action, claims 1, 3, 6-9, 12-15, 19-21, 23, 24 and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Thiagarajan et al. in view of Tsutsumi; claim 2 was rejected under 35 U.S.C. § 103(a) as unpatentable over Thiagarajan et al. in view of Tsutsumi and Gates et al.; claims 11 and 17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Thiagarajan et al. in view of Tsutsumi and Nakajima et al.; claims 10 and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Thiagarajan et al. in view of Tsutsumi, McGee et al. and Clancy et al.; and claims 18, 28 and 29 were rejected under 35 U.S.C. § 103(a) as unpatentable over Thiagarajan et al. in view of Tsutsumi and McGee et al.

Claims 1, 3, 6-9, 12-15, 19-21, 23, 24 and 27 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Thiagarajan et al. in view of Tsutsumi. This rejection is respectfully traversed.

Amended independent claim 1 includes a combination of features and is directed to a recording system for recording a broadcasting program including a channel demodulating part configured to receive and demodulate the broadcasting program on a particular channel, a storage medium configured to store the broadcasting program, a controller configured to initialize identifying information for identifying a success of recording of the broadcasting program intended to be recorded in response to a recording command signal, when recordings of more than one broadcasting programs are scheduled at the same time, to select a single broadcasting program among the more than one broadcasting programs and control to record the selected broadcasting program, and to change the identifying information of the single broadcasting program if the recording of the single broadcasting program is successful. Also included is a recording processing part configured to store the identifying information, to identify the identifying information of the broadcasting programs, and request re-transmission of the broadcasting programs through a network when the identification information of broadcasting programs is not changed. Independent claim 14 includes similar features in a varying scope.

These features are supported at least by the non-limiting examples shown in Figures 4 and 5 and the corresponding description in the specification (see in particular paragraphs [0060] and [0061] of the present application, for example).

On the contrary, Thiagarajan et al. is only directed to recording a broadcast program that has failed when the broadcast program is re-broadcasted (see paragraph [0066]). In particular, if the user starts to watch a program in Thiagarajan et al. and then decides to record the program, Thiagarajan et al. allows the user to record the program that has already been partially viewed (see paragraph [0059]). Note that in Thiagarajan et al., the program is only rerecorded after the broadcast program is again broadcast as noted in paragraph [0066].

In addition, Thiagarajan et al. also discloses in paragraph [0037] that the client device 108 can include more than one tuner 306. However, there is no description in Thiagarajan et al. about the user recording multiple programs at the same time. There is also no description in Thiagarajan et al. about when recordings of more than one broadcasting program are scheduled at the same time, selecting a single broadcasting program among the more than one broadcasting programs and controlling to record the selected single broadcast program as in the present invention. Tsutsumi also does not teach or suggest these features.

Accordingly, it is respectfully submitted amended independent claims 1 and 14, and each of the claims depending therefrom, are allowable.

In addition, it is respectfully submitted the additional rejections noted in the Office Action have also been overcome as the claims rejected therein are dependent claims and the additionally applied references also do not teach or suggest the features recited in the corresponding independent claims.

Further, it is respectfully requested this amendment be entered as it is believed no new issues have been raised.

CONCLUSION

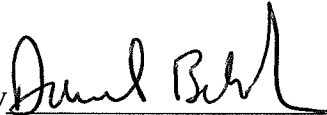
In view of the above remarks, it is believed that all of the claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact David A. Bilodeau, Reg. No. 42,325, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: AUG 03 2009

Respectfully submitted,

By 

David A. Bilodeau
Registration No.: 42,325
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant